

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARMEN MAIDANA,

Plaintiff,

-against-

LA ESQUINA CRIOLLA RESTAURANT INC.,
ABAD BALLINAS, as Officer and Manager and
MARIO CIVELLI, as Owner and Manager,
Defendant.

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INDEX NO. CV11-2606

**DEFENDANTS' RULE
26(a)(1) INITIAL
DISCLOSURES**

DEFENDANTS' RULE 26(a)(1) INITIAL DISCLOSURES

Defendants La Esquina Criolla Restaurant Inc., Abad Ballinas and Mario Civelli, (or the "defendants"), by their attorney, Luis F. Echeverria, submit this disclosure statement pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. Please be advised that pursuant to Federal Rules of Civil procedure 26e, Defendants reserve their right to supplement the disclosure made herein in anticipation of further investigation and the discovery process:

1. **POTENTIAL WITNESSES:** The names of potential witnesses and their contact information, if known are as follows:

1. The named Defendant Abad Ballinas. Defendant should only be contacted through his attorney, Luis F. Echeverria.
2. The named Defendant Mario Civelli. Defendant should only be contacted through his attorney, Luis F. Echeverria.
3. The named Plaintiff, Carmen Maidana. Plaintiff should only be contacted through her attorney, the Law Office of Fausto E. Zapata, Jr.

2. **DOCUMENTS:** Whatever documents and information relevant to Plaintiff's claims in this action exist are in the possession, custody and control of either the Plaintiff or the Defendants.

3. **DAMAGES:** Plaintiff purports to proceed under the Fair Labor Standards Act ("FLSA") and New York State Labor Law ("NYLL"). The amount of damages, if any, of the plaintiff will be ascertained at trial. Damages, if any, are calculated based upon the duration of the employment of the plaintiff employee, the individual employee's workweek schedule and the individual employee's rate of pay. Plaintiff alleges that she was underpaid and that she has not received either minimum wages, overtime, spread of the hours compensation, uniform allowance. Defendants contend that the plaintiff was fully compensated and is not entitled to any damages because she was paid all of the amounts owed to her. It is Defendants' contention that the plaintiff was paid in accordance with FLSA and NYLL and that no damages are due to her.

4. **NAMES OF SHAREHOLDERS:** Abad Ballinsas and Mario Civelli. Shareholders should only be contacted through their attorney, Luis F. Echeverria Esq.

5. **INSURANCE AGREEMENTS:** Defendants have no insurance agreements relevant to this case.

Dated: Woodside, New York
September 15, 2011

/S/ LUIS F. ECHEVERRIA
LUIS F. ECHEVERRIA

Attorney for Defendants La Esquina Criolla Restaurant Inc. ,
Abad Ballinas and Mario Civilli
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Woodside, New York 11377
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